

ORDERED.

Dated: November 10, 2016



Michael G. Williamson  
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re:

Case No: 8:16-bk-00673 MGW  
Chapter 7

MCKENZIE, FLOYD K  
MCKENZIE, LINDA SUE

Debtor(s).

**ORDER GRANTING TRUSTEE'S MOTION TO SELL  
PROPERTY FREE AND CLEAR OF LIENS, CLAIMS  
AND INTERESTS PURSUANT TO SECTION 363(b) & (f)(2)  
AND FOR SURCHARGE PURSUANT TO 11 U.S.C. SECTION 506(c)**

THIS CASE came on for hearing on November 10, 2016 at 9:30 a.m., on the Trustee's Motion to Sell Property Free and Clear of Liens, Claims and Interests pursuant to Section 363(b) & (f) and for Surcharge pursuant to 11 U.S.C. Section 506(c) (Doc. No. 31, the "**Motion**") and the Response to Trustee's Motion to Sell Property Free and Clear of Liens (Doc. No. 35, the "**Response**"). Appearances were made by the Chapter 7 Trustee and PNC Bank National Association. The Court finds that the Motion was noticed to all creditors and any parties having a lien against the property to be sold, and no objections were filed. For the reasons stated orally and recorded in open court which shall constitute the decision of this Court, as if fully incorporated herein, the Court finds that the Motion should be granted. Accordingly, it is

**ORDERED:**

1. The Motion is granted.
2. The Chapter 7 Trustee is authorized to sell the real property located at 40321

Trotter Lane, Dade City, FL 33525 and more specifically described as follows:

**LOT 14 AND THE EAST ½ OF LOT 15, APPALOOSA TRAILS, AS PER  
PLAT THEREOF RECORDED IN PLAT BOOK 16, PAGES 149 AND 150,  
OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.  
[KNOWN AS: 40321 Trotter Lane, Dade City, FL 33525]  
Parcel ID No. 19-25-22-0030-00000-0140.**

with any right, title and interest of any and all liens to attach to the proceeds of the sale.

2. Futhermore, the Chapter 7 Trustee is authorized to sell the real property to the proposed buyer, Henry Taylor and Linda F. Taylor for \$125,000.00, which is the purchase price set forth in the contract attached to the Motion, and the Court finds that the proposed buyer(s) is a bona fide “good faith” purchaser within the meaning of 11 U.S.C. §363(m).

3. ServiceLink, LLC is authorized to handle the closing and to pay the disbursements related to the sale, as set forth in the motion and the attached HUD-1, including payment to PNC Bank, National Association, its successors and assigns, for the full payoff of the first mortgage; payment to Suntrust Bank, its successors and assigns, of \$13,000.00 for the second mortgage; payment of pro-rated real estate taxes; realtor’s six (6%) percent commission; reasonable and customary closing costs, including but not limited, settlement or closing fees, lien search, owner’s title insurance, state tax/stamps; and the surcharge to the Bankruptcy Estate of \$11,379.76, which amount may not be diminished.

4. The secured Proof of Claim filed by Suntrust in connection with the property being sold, which claim is listed on the claim register as Proof of Claim No. 1 in the amount of

\$32,599.79, shall be deemed an allowed secured claim that will not receive a distribution from the Estate.

5. The Movant made sufficient allegations and a request in the Motion to shorten the notice to the Debtor(s) and Creditors required by Rule 2002(a)(2) and to waive the Rule 6004(h) stay period applicable to this Order. No objections were raised. Therefore, the Court finds that cause exists to shorten the notice and to waive the Rule 6004(h) stay period such that no stay period shall apply to this Order.

Attorney, Christine L. Herendeen, is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.